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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FINJAN, INC., a Delaware Corporation,

Plaintiff,

vs.

SONICWALL INC., a Delaware
Corporation

Defendant.

Case No.: 5:17-cv-04467-BLF-VKD

**DECLARATION OF MATTHEW
GAUDET PURSUANT TO INTERIM
ORDER RE APRIL 17, 2020 JOINT
DISCOVERY LETTER BRIEF**

1 I, Matthew Gaudet, declare as follows:

2 1. I am a partner at the law firm of Duane Morris LLP and am counsel for Defendant
3 SonicWall Inc. ("SonicWall"). I have personal knowledge of the matters set forth in this
4 Declaration, and if called as a witness, could and would testify competently to such facts under oath.
5 I submit this Declaration pursuant to the Court's Interim Order Re April 17, 2020 Joint Discovery
6 Letter Brief [ECF 255]. In making this Declaration, it is not my intention, nor the intention of
7 SonicWall, to waive the attorney-client privilege, the attorney work-product immunity, or any other
8 applicable privilege.

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of Cisco Systems, Inc. Mutual
10 Non-Disclosure Agreement dated January 19, 2004 and terminating five years following receipt of
11 the Confidential Information (Section 11.0).

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of Finjan Software Inc.
13 Amended and Restated Investors' Rights Agreement dated June 2, 2004 with the Board Observer
14 provision appearing on page 15 (Section 2.7).

15 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Cisco – Finjan
16 Holdings, Inc. Mutual Non-Disclosure Agreement dated March 21, 2014 that I referenced during
17 Mr. Samet's deposition at 194:4-13.

18 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the February
19 1, 2019 deposition of Yoav Samet.

20 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the April 10,
21 2019 deposition of Daniel Chinn.

22 7. Attached hereto as **Exhibit 6** is a true and correct copy of Exhibit 34 to the April 10,
23 2019 deposition of Daniel Chinn.

24 8. Attached hereto as **Exhibit 7** is a true and copy of excerpts from the Trial Exhibit
25 Lists filed by Finjan, Inc. and Cisco Systems, Inc. identifying the unredacted versions of the
26 Disputed Documents as trial exhibits in the matter of *Finjan, Inc. v. Cisco Systems, Inc.*, No. 5:17-
27 cv-00072-BLF (N.D. Cal.).
28

1 I declare under penalty of perjury under the laws of California and the United States that the
2 foregoing is true and correct.

3 Executed on May 4, 2020, in Atlanta, Georgia.

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5 /s/ Matthew C. Gaudet
6 Matthew C. Gaudet
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